TOWN OF WESTMINSTER
DEVELOPMENT REVIEW BOARD MEETING
JULY 6, 2015

Members Present: Chris Potter, (Chairman); Kyle Skrocki (Vice Chair); Cathy Mullins(Clerk); Eric Anderson; Phil Savoy

Others Present: Russ Hodgkins (ZA); Karen Astley (Recording Secretary);

Interested Parties: Jim Matteau, Nancy Dalzell, Bruce MacDuffie; Kim Smith (Application 15-50)

CALL TO ORDER: Chris Potter called meeting to order at 7:00 PM in the Westminster Town Hall and welcomed everyone. He advised that meetings are tape recorded therefore asked anyone that wishes to speak to identify themselves.

ADJUSTMENT(S) TO AGENDA: No adjustment(s) to the Agenda.

MINUTES: Kyle Skrocki made two minor revisions to minutes from June 1, 2015. Page 2; second paragraph, second sentence reads "they were "did" favor this project. This sentence should read they were "in" favor "of" this project.

Chris Potter asked if all were in favor of accepting the minutes as amended. All were in favor with a 5-0-0 vote of approval.

EX PARTE COMMUNICATIONS: Chris Potter asked whether any member would have to recuse themselves.

INTERESTED PARTIES: All interested parties that signed in agreed to affirm that the evidence they give in the cause under consideration shall be the whole truth and nothing but the truth under the pains and penalties of perjury. Any comments from the public should be directed to the DRB. If the person before you has spoken to something that you were going to speak to please try not to repeat the same information. Everyone will have any opportunity to speak during the meeting.

DELIBERATIVE SESSION: The DRB members had previously agreed to make their decisions in Deliberative Session, if needed, following the public Hearings on the applications. It will be scheduled at the end of the Development Review Hearing.

COMMUNICATIONS AND PUBLIC COMMENT: NONE

DEVELOPMENT REVIEW HEARING: *DRB Member Kyle Skrocki*

Application: #15-50 Jonathan Whitman, property location 18 Metcalf Drive, residential accessory addition of a carport attached to the existing garage. Application will be reviewed under **Section 311 Site Plan Review; Section 442.3 Village District Zone; Article IX Historical Preservation Overlay District; Review of Historical Review Board Recommendations;** of the 2014 Interim Zoning Bylaws.

Testimony: Kyle Skrocki opened the hearing with a comment noting that there were no zoning setbacks on the application and that this application entailed multiple projects not just the carport. The Historic Review Board had also heard the application and made recommendations which would be taken into consideration. Kyle proceeded with application one item at a time. There were not apparent issues or concerns with the removal of a dead tree, pool or storage shed addition. The balcony and carport additions required questions and answers from the property owner. Kyle also stated although this property is in the Historical District there is no indication that Mr. Whitman's house is of historical significance.

It was determined through discussion with Mr. Whitman and his proposed drawing that the setback and development were at 75 feet which are greater than the zoning bylaws. It was not determined where the septic reserves are for the parcels in the immediate area for development of a carport off of the garage. The 32 x 24 foot carport will be attached to the existing garage on the far side of the property away from the road in the area of the reserves. Mr. Whitman stated he would not do any construction until there was an approved plan showing the septic and reserves.

Mr. Whitman was asked about screening for the addition to the shed, pool and carport. Mr. Whitman said he would put in additional bushes but was not able to do so for the carport until the septic reserves were mapped out. He has no issue with screening the shed addition or pool.

Owner proposed construction of a balcony and staircase to the second floor as means for a separate entrance. He may entertain a home business in the future. Kyle asked if Mr. Whitman had any idea of design for this balcony. He stated he would keep it in character with other balconies in the district but did not have a sketch. He had some pictures of other balconies but they were not in the historic district. There would be no roof on the balcony and it would be approximately 9 x 12 with a 6 foot slider into the building. There would be an extension for the staircase going to the balcony.

Comments were heard by Nancy Dalzell as she does not want to see the balcony be constructed if Mr. Whitman intends to have a home business. Mr. Whitman replied there would not be any impact on the neighbors. He further clarified if there was a home occupation there would only be one additional car at the residence at a time. There are two driveways and parking would occur near the garage and the proposed carport area.

Jim Matteau had a concern about the setbacks, carport extending from the footprint of the house and home occupation. Phil Savoy commented that home occupations are exempt.

Nancy Dalzell asked why cutting of trees needed a permit? Russ Hodgkins replied they don't need one.

There are no other questions or discussion. **Kyle closed hearing 15-50 at 7:54 PM**

DEVELOPMENT REVIEW HEARING: *DRB Member Chris Potter*

Application: #15-52 Richard and Robert Davis, property location 1051 James Road, alleged violations of non-permitted structure (camp) in the Ridgeline Protection Overlay. DRB to review under **Section 218 Violations and Enforcement; Section 311 Site Plan Review;**

Section 312 Waivers to Dimensional Requirements; Section 442.5 Rural Residential District Zone; Section 520 Nonconforming Uses & Noncomplying Structures; and **Article XIV Ridgeline Protection Overlay District;** of the 2014 Interim Zoning Bylaws.

Testimony: There was no testimony from the owner as they live out of state. They were not present. This violation appeared in front of the DRB as the structure is in the Ridgeline Overlay Protection area. The cabin is twelve plus years old and the roof is not completed.

Phil Savoy made mention that the Ridgeline Protection Overlay has existed for approximately eight or ten years possibly. Ridgeline Protection Overlay protects the land from being clear cut. Structures can be built in this overlay.

Discussion between the DRB was there are no provisions for a pre-existing structure without a permit. Can this structure (the mast) be seen from any other place in town? Russ Hodgkins stated there is possibly one place in town that the mast can be seen.

Phil Savoy and Chris Potter both feel there is no action on this from the DRB. Regulations are conducive that this camp is pre-existing.

There are no other questions or discussion. **Chris closed hearing 15-52 at 7:56 PM**

UNFINISHED BUSINESS: Town Plan comments were needed for the Planning Commission meeting on July 13, 2015. Windham Regional Commission, legal counsel and Select Board made their comments. Kyle Skrocki and Chris Potter commented that the Town Plan looked good. Cathy Mullins asked why weather had to be in Town Plan.

The DRB would like to be involved in the revising the Zoning Bylaws when the Planning Commission commences. As one section gets revised the DRB requests that they review it. DRB mentioned that the bylaws need to be very specific to state regulations such as flood resiliency and storm water. The Planning Commission should focus on certain sections in the Bylaws when being revised such as subdivision (two lots from one); and Planned Unit Development. There are other areas that need to be clarified.

OTHER BUSINESS: Russ reminded the DRB that Findings of Facts have not been received from the June DRB meeting and the 45 day deadline was approaching for July 15, 2015.

Phil Savoy asked about the Bazin Farm and how they proceeded. Russ Hodgkins stated that the Bazin's did not want to subdivide or do a lot line adjustment. They wrote a letter to the State to request homestead exemption status for the two homes.

Deliberative Session: DRB went into deliberative session at 8:15 p.m. Upon returning to the regular meeting, no further business was discussed.

End of meeting minutes pursuant to the Zoning Administrator Russ Hodgkins: Coming out of deliberative session at 8:40 pm, the Board made the following decisions:

Application #15-50 – Jonathan Whitman

- 1. Removal of Dead Tree – *The Board took the recommendation of the Historic Review Board and will allow the dead tree to be removed in a responsible manner and would ask to have the stump removed as well.*

- 2. Storage Shed Additions (2) – *The Board took the recommendation of the Historic Review Board and will allow the additions to the shed to be built, with mature screening on the Route 5 side of the new construction.*
- 3. Stairs & Balcony – *The Board decided to accept this construction with the stipulation that he creates a historically correct aesthetic design with plans that fit the Historic Village District. Sections F and J of the Bylaws from Article IX will help with the design and this will need to be approved by the HRB prior to construction.*
- 4. Construction of the Car Port (32' x 24') – *The Board also approved this construction with the stipulation that the movement of the neighborhood septic system replacement areas be approved by the State prior to construction and that verification be supplied to the ZA. And the Board will need verification that no parts of any septic or replacement areas be under this new carport.*
- 5. Inflatable Pool and Fire Pit – *The Board took the recommendation of the Historic Review Board and will allow the pool & pit, but will insist upon proper screening from Route 5 with mature plantings.*

Phil made the motion to accept the decisions written above, Kyle seconded, motion passed unanimously.

Application #15-52 – Richard and Robert Davis:

The Board considered the location of the structure and the length of time it has been in existence and deemed the building not an obstruction to the aesthetically pleasing skyline. It should be noted that the building has been in existence for 10 -12 years and no complaints have ever been filed until now and this stemmed from a permit violation only.

Chris made the motion to accept the decision as written above, Eric seconded, motion passed unanimously.

Adjournment: The meeting adjourned at 8:56 p.m.

_____ _____

Signature of Clerk Date

Prepared by: Karen Astley, Recording Secretary

(Note: These are unapproved minutes. Corrections, if necessary, will be found in the minutes of the next DRB meeting.)

S:\Zoning\2015 DRB\Minutes\7.6.2015 MINUTES.docx